

## **REMARKS**

The Examiner is thanked for the telephone interview granted to Applicant's representative where claims 1, 10 and 17 and the Togawa reference were discussed. Applicant's representative agrees with the interview summary details provided by the Examiner.

Claims 16 and 23 are cancelled. Thus, claims 1-15 and 17-22 are pending. In the Office Action, claims 1-23 were rejected under 35 U.S.C. 103 (a) for being unpatentable over Hypponen in view of Liang. Claims 10-23 were rejected under 35 U.S.C. 112. Claims 17-23 were rejected under 35 U.S.C. 101.

The independent claims have been amended to address the Section 112 rejections. The claims have been amended to clarify that in "standby" mode (the first mode), data packets are copied and that the copied data packets are analyzed for a computer virus (the originals proceed through the network). In "inline" mode (the second mode), original data packets are sent for analysis, rather than copies.

Claims 17-22 have also been amended to state that the claim is for a "computer readable medium" instead of "a computer program product," to address the Section 101 rejection. Applicant's representative requests that if the amended language is still not satisfactory to address the Section 101 issues, that the Examiner contacts him to discuss the proper language or phrasing that will pass Section 101 requirements.

The claims have also been amended to remove "negative limitations," specifically the "are not" phrasing in the claims. Although this objection was not raised in the body of the Office Action, it was discussed during the interview (as the Examiner pointed out in the interview summary), and Applicant's representative is making the amendment pursuant to the discussion during the interview.

With respect to the insufficient Terminal Disclaimer, Applicant's representative (specifically, Rupak Nag, an attorney with Beyer Weaver LLP) is part of Customer Number 22434, which has been given Power of Attorney to prosecute this case. If there is an additional requirement for empowering Rupak Nag (by virtue of Customer Number 22434) to allow him to

sign the Terminal Disclaimer on behalf of the Applicant, Examiner is kindly requested to contact Applicant's representative at the number below. We are willing to follow any other procedural requirements but are unaware of any other than the initial Power of Attorney filed when the Application was filed.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
BEYER WEAVER LLP

/Rupak Nag/

Rupak Nag  
Reg. No. 37,493

P.O. Box 70250  
Oakland, CA 94612-0250  
Telephone: (612) 252-3335